

No More Need for Doublespeak

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How will Southeast Asian governments react to the violent developments in [Myanmar](#)? ASEAN's non-interference principle is often described as an effective shield against foreign meddling in domestic affairs. However, in the past the principle has been interpreted flexibly to meet paramount stability interests. Thus, in the face of reputational damage and possible economic setbacks, ASEAN members started to refer to human rights, democracy and the rule of law to justify occasional peer pressure – not out of normative conviction but due to strategic considerations. After years of democratic backsliding and declining global expectations, however, these semantic gymnastics are much less required today.

Reactions to the developments in Myanmar

When Myanmar's military [took the power](#) on February 1st, Southeast Asian neighbors [reacted](#) with much concern (Thailand), deep concern (Philippines, Vietnam), grave concern (Singapore) and serious concern (Malaysia). The Association of Southeast Asian Nations (ASEAN) [released](#) a statement recalling the “principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms”. Emphasizing the need for political stability in ASEAN, the statement also “encouraged the pursuance of dialogue, reconciliation and the return to normalcy in accordance with the will and interests of the people of Myanmar”.

The use of lethal force against civilians was [denounced](#) by Singapore's Prime Minister, Lee Hsien Loong, as a national shame, unacceptable, disastrous and tragic. The current ASEAN Chair, Brunei, [expressed](#) concern and “called on all parties to refrain from instigating further violence, and for all sides to exercise utmost restraint as well as flexibility”. Vietnam, currently a non-permanent United Nations Security Council member, [emphasized](#) the need to stop the violence and hold a constructive dialogue to create favorable conditions for the democratic process. Indonesia's Foreign Minister [engaged](#) in shuttle diplomacy, flying to her counterparts in Brunei, Singapore and Thailand. In Bangkok, Myanmar's representative for foreign affairs appointed by the military participated in the talks.

Myanmar's immediate neighbor, Thailand, refrained from sharper denouncements. It was [reported](#) that the Prime Minister, Prayut Chan-o-cha, received a personal letter from Myanmar's military leader, Min Aung Hlaing. Prayut had himself led a military coup in Thailand in 2014. Interestingly enough, the Thai Ministry of Foreign Affairs [called](#) for the release of detainees in Myanmar – at a time when several Thai student activists were awaiting trial in pretrial detention after bail applications had been repeatedly [denied](#).

The next steps are still uncertain. But what circumstances would lead ASEAN members to engage more decisively with the government in Yangon? This question merits a closer look at ASEAN's principle of non-interference and its largely strategic interpretation in the absence of inherent normative constraints.

Non-interference and semantic exceptions

ASEAN was founded in 1967. The Association initially comprised Indonesia, Malaysia, the Philippines, Singapore and Thailand. The founding document, the [Bangkok Declaration](#), prioritized accelerating economic growth and promoting regional peace and stability. Its preamble declared that the founding countries were determined to ensure their stability and security from external interference in any form or manifestation in order to preserve their national identities. Against the historical background of the region's colonization by Western powers, external interference could be understood as a reference to interventions from third countries. However, due to mounting domestic conflicts in the newly founded nation states, the Bangkok Declaration was also designed to prevent interference among the members. The [1976 Treaty of Amity and Cooperation in Southeast Asia](#) and the [2008 ASEAN Charter](#) affirmed the principles.

Though ASEAN's non-interference essentially reflects the sovereign equality of all states under general international law (Article 2(1) of the UN Charter), the principle was subject to considerable academic scrutiny. This was partly because of the frequent assertion that mere critical statements about fellow members would violate non-interference. However, former ASEAN Secretary General Rodolfo Severino [insisted](#) that raising "a sharp voice of concern" would not amount to interference.

Most of the interest in the principle therefore stemmed from the apparent contradiction between official statements affirming the cardinal character of non-interference and apparent pragmatic exceptions in the face of overriding interests. The standard examples include ASEAN members' political pressure on the Philippines in 1986 before Ferdinand Marcos was ousted from the presidency, the 1997 deferral of Cambodia's accession to ASEAN after Hun Sen's coup against his coalition partner, the 1999/2000 contributions to peace-keeping troops in East Timor after it gained independence from Indonesia in a violent struggle, and the strong pressure on Myanmar in 2005 to renounce its 2006 ASEAN Chairmanship due to ongoing political tensions and human rights violations.

In addition, ASEAN's apparently uneasy relationship with non-interference has been reflected in repeated attempts to delineate at least semantically the principle's limits. For instance, ASEAN decided for "constructive engagement" with Myanmar in 1991 after the military junta refused to recognize the overwhelming victory of Aung San Suu Kyi's National League for Democracy (NLD) and put her under house arrest. In 1998, Thailand's Foreign Minister and later ASEAN Secretary-General Surin Pitsuwan suggested first "constructive intervention" and then "flexible engagement" as new incarnations of the principle. Rejecting these proposals, the Association opted for "enhanced interaction" instead. The linguistic twists never affected the

substance though: ASEAN Ministers would have ostensibly frank discussions in so-called retreats, followed by well-balanced diplomatic statements.

The conservative approach to non-interference reflects ASEAN's strategic pursuit of economic and social stability. These priorities are the group's common denominator.

A non-normative organization

While ASEAN was founded in response to a perceived communist threat in Southeast Asia, the subsequent admission of socialist Laos and Vietnam made it clear that ideological differences would not hinder cooperation. ASEAN has no criteria for membership other than geographical location. It is a non-normative organization comprising an absolute monarchy, several de jure or de facto one-party states, multi-party semi-authoritarian systems and democracies, and at times military dictatorships. The region's diversity is reflected by starkly different levels of economic development, a rich variety of cultures, traditions, religions and legal systems. Thus, violations of civil and political rights, democratic principles or the rule of law cannot provide a pretext for interferences with the domestic affairs of any of its members. In the pronounced [words](#) of Rodolfo Severino, "the region cannot afford the feel-good diplomacy that those situated farther away can indulge in". Instead, regional stability and economic development are the undisputed priorities.

In response to the Western-led human rights paradigm of the late 1990s and early 2000s, however, ASEAN's language changed to include more frequent references to these norms. The preamble of the 2007 ASEAN Charter pledges to adhere to the principles of "respect for and protection of human rights and fundamental freedoms". In 2009, the ASEAN Intergovernmental Commission on Human Rights (AICHR), an entirely non-intrusive body, was inaugurated. Finally, in 2012, the [ASEAN Human Rights Declaration](#) was adopted. Of course, the Declaration made it clear that "the realization of human rights must be considered in the regional and national context bearing in mind different political, economic, legal, social, cultural, historical and religious backgrounds" (para. 7). The delay of Cambodia's accession to ASEAN and the pressuring of Myanmar into renouncing the 2006 Chairmanship were also justified with reference to human rights concerns.

However, the texts and incidents did not reflect an actual internalization of norms. The global normative shift toward human rights and democracy at the time rather resulted in concerns about ASEAN's image and reputation on the global stage. The pressure from the West, in particular North America and Europe, led to fears that the region might lose its attractiveness for foreign investment, threatening ASEAN's aspirations of economic development. The dominant capitalist elites had no choice but to react to Western expectations. Spillover effects to the thriving new economies had to be prevented.

External pressure for the protection of human rights and democracy has since decreased significantly, making it less necessary to pay lip service to normative constraints, and allowing a return to genuine strategic considerations. There are several indicators for this development.

Less democracy, less human rights

The past five years have seen an unprecedented deterioration of the state of democracy and human rights across Southeast Asia. In Cambodia, the government of Prime Minister Hun Sen [imprisoned](#) dissidents and [shut down](#) several media outlets. The Supreme Court [dissolved](#) the main opposition party. Hun Sen's Cambodian People's Party rules entirely [unchallenged](#). In Myanmar, the Rohingya people have been subjected to alleged acts of [persecution and large-scale deportation](#). Though Malaysia's previous Prime Ministers Najib Razak and Mohamad Mahathir as well as the Philippines' President Rodrigo Duterte [called](#) it a genocide, it was the Gambia that seized the International Court of Justice .

The government of the Philippines has itself led a deadly drug war with thousands of victims. ASEAN kept entirely [quiet](#) on the matter. In response to preliminary investigations by the International Criminal Court, the Philippines [withdrew](#) from the Rome Statute. For different reasons, Malaysia [backed out](#) of ICC membership too. Thailand was under military rule from 2014 to 2019, with significant restrictions of individual rights that partly persist until the present day. A large opposition party was [dissolved last year](#). Throughout the region, free speech is curtailed by increasingly invasive cyber regulations and [anti-fake news laws](#).

Not only have Southeast Asian countries themselves lost credibility to point fingers at each other on matters of human rights and democracy. In addition, four years of the Trump administration that showed little interest in the region, and the growing economic and political influence of China have significantly decreased external normative pressure. Being itself a non-normative actor, China offers generous infrastructure investments and access to natural resources with no human rights strings attached. Conditionality à la européenne is a foreign concept for the new global superpower.

Thus, it all comes down to whether ASEAN countries, largely relieved from normative doublespeak, see any intrinsic strategic interest in increasing the pressure on Yangon.

Looking ahead: What is at stake?

Thailand has by far the highest stakes in Myanmar's domestic politics. Current developments bring back to mind the military crackdown of 1988 that forced thousands Burmese people into exile, mainly across the Thai border. A new wave of immigration would likely increase domestic tensions in Thailand where recent COVID-19 clusters were largely tied to Burmese workers' communities, creating a public outcry over the apparent lack of border security. At the same time, current developments might fan the flames of ethnic conflicts on the Burmese side of the border. In the past, these have frequently spilled over into Thai territory, along with the drug trade. Thailand also hosts the largest population of Myanmar workers in Southeast Asia, about two million. The Thai government therefore has a strong strategic interest in calming down the situation. Though Indonesia's shuttle

diplomacy was very visible, it is expected that Thailand's "Good Neighborhood" relations with Myanmar will be activated primarily.

ASEAN may want to keep its image as a broker and hub for diplomatic encounters in Asia. This "ASEAN Centrality" may be in doubt if the regional bloc proves unable to resolve its own issues successfully. Thus, reputational damage may not result from the lack of a clear stance on human rights but from the appearance of inefficient conflict management. Indonesia, the region's de facto hegemon and host of the ASEAN Secretariat, may have a particular interest in preventing such impression.

At the same time, several ASEAN members, particularly the Philippines and Vietnam, are wary that excessive pressure may push the generals in Yangon closer to China. Following years of deepening engagement, China and Myanmar last year [signed](#) several agreements furthering economic ties that include a port project giving Beijing a crucial pathway to the Indian Ocean. The strategic significance of Myanmar as a connecting space between South Asia and the ASEAN countries cannot be overestimated.

It is still uncertain how all of this plays out. But normative considerations will not be decisive.

